

**ZB# 99-53**

**Silvia & Brian Locke**

**62-9-18**

Prelim.

~~10/20/99~~ 13, 1999

Jan. 10, 2000

Deed 4

Public Hearing:

Feb. 28, 2000

Approved

Refunded

\$194.00

#99-53- Locke, Silvia & Brian  
Area. 62-9-18

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Locke, Sylvia  
\_\_\_\_\_  
\_\_\_\_\_

FILE# 99-53

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

\*

\*

\*

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 1/10/00 - 5 ..... \$ 22.50  
2ND PRELIMINARY- PER PAGE 2/24/00 - 3 ..... \$ 13.50  
3RD PRELIMINARY- PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING - PER PAGE ..... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) PER PAGE ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 1/10/00 ..... \$ 35.00  
2ND PRELIM. 2/24/00 ..... \$ 35.00  
3RD PRELIM. .... \$ \_\_\_\_\_  
PUBLIC HEARING. .... \$ \_\_\_\_\_  
PUBLIC HEARING (CONT'D) ..... \$ \_\_\_\_\_  
TOTAL ..... \$ 70.00

MISC. CHARGES:

..... \$ \_\_\_\_\_  
TOTAL ..... \$ 106.00

LESS ESCROW DEPOSIT ..... \$ 300.00  
(ADDL. CHARGES DUE) ..... \$ \_\_\_\_\_  
REFUND DUE TO APPLICANT . \$ 194.00

-----X  
In the Matter of the Application of

**SYLVIA LOCKE**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#99-53.  
-----X

**WHEREAS, SYLVIA LOCKE**, residing at 551 Shore Drive, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for a 12 ft. 6 in. rear yard variance for existing deck at the above address in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 28th day of February, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor or opposition to this Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The existing deck is not located on the top of any water, sewer easements, well or septic system.

(c) The deck has been in existence for approximately 3-4 years and no complaints have been received either formal or informal.

(d) The deck does not create any ponding or collection of water or any water hazards.

(f) The deck does not cause any drainage problems for neighboring properties.

(g) Due to the severe sloping of the property off the back of the residence, a safety hazard would exist upon exiting the rear of the residence without the existence of the deck.

(h) The property slopes severely in the back thereby making this property peculiarly situated.

(i) There are other similar decks in the neighborhood.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 12 ft. 6 in. rear yard variance for an existing deck at the above residence in an R-4 zone.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 24, 2000.

  
Chairman

Date March 10, 1980

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Silvia Locke DR.  
551 Shore Drive, New Windsor, N.Y. 12553

DATE	CLAIMED	ALLOWED
3/10/00 Refund of CSORAN Deposit #99-53		\$ 194. 00
Approved Patricia L. Corbett ZBA		

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here .....

No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....

the within claim was audited and allowed  
for the sum of

\$ .....

.....  
Clerk



Date 3/3/00, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE

CLAIMED

ALLOWED

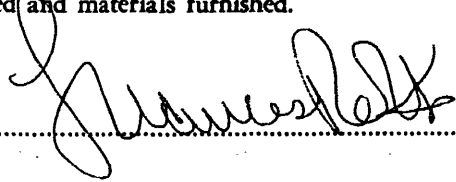
		Zoning Board Mtg	75	00		
		M&L - 1				
		HZ Development - 3				
		Borgia - 4				
		Locke - 3				
		Petro Metals - 8				
		Omat - 8				
		Maurice - 13	180	00		
		<u>40</u>	<u>255</u>	<u>00</u>		

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day

of ....., 19.....

the within claim was audited and allowed

for the sum of

\$ .....

Clerk

LOCKE, SILVIA

MR. TORLEY: Request for 12 ft. 6 in. rear yard variance for existing deck at 551 Shore Road in an R-4 zone.

Mr. Brian Locke appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience besides the applicant who wishes to speak on this? Let the record show there is none.

MR. LOCKE: I just got here, I don't have any paperwork, I apologize.

MR. TORLEY: We've got our copies, tell us what you want to do.

MR. LOCKE: Well, all the letters were sent out, we went to the--

MR. BARNHART: 39 on February 10th.

MR. LOCKE: We found out that it was not over an easement so I'd like to request that the appeal be approved.

MR. KRIEGER: This is a one family home in a neighborhood of one family homes?

MR. LOCKE: Yes, it is.

MR. TORLEY: This deck does not cause any drainage problems for your neighbors?

MR. LOCKE: No.

MR. KANE: How long has the deck been existing?

MR. LOCKE: I would say about three or four years, there was patio underneath it and we basically built the deck over top the patio based on the slope of the yard. And I had the pictures here last time based on the slope of the yard, it's higher than 18 inches but

only at one end.

MR. KANE: Do you have an exit from the house to the deck?

MR. LOCKE: Yeah.

MR. KANE: That would be a safety hazard?

MR. TORLEY: If you stepped out the door without the deck being there, how far to the ground?

MR. LOCKE: Probably a good 10 to 12 inches.

MR. TORLEY: Would you consider that a safety hazard?

MR. LOCKE: Well, I've fallen on it before, fell down once at night, mind you, but yes.

MR. KRIEGER: This property, if I remember correctly, slopes severely off in the back?

MR. LOCKE: Yes, it tapers off a bit and really slopes down toward the lake.

MR. KANE: Other homes in the area have similar type decks off the back of their house?

MR. LOCKE: Yes, yes, most of them are actually raised to the second floor, this is built at the basement level.

MR. TORLEY: Again, there's no, you're not building over any easements or sewer lines?

MR. LOCKE: No, we checked with the Town Clerk and made sure that it was not over the easement, there isn't, there's a ten foot easement that goes across the back yard but it's not over top that.

MR. KRIEGER: Not over top the well or septic system?

MR. LOCKE: No, it's not, we don't have a septic system.

February 28, 2000

12

MR. MC DONALD: Mr. Chairman, I move that we approve the variance for Silvia Locke.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: December 7, 1999

APPLICANT: Silvia and Brian Locke  
551 Shore Drive  
New Windsor, New York 12553

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: November 29, 1999

FOR : Existing Rear Deck

LOCATED AT: 551 Shore Drive

ZONE: **R**-4

DESCRIPTION OF EXISTING SITE: 62-9-18

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing rear deck does not meet minimum rear yard set backs.

  
BUILDING INSPECTOR

PERMITTED 40

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4 USE: G 10

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

27'-6"

12'-6"

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

RECEIVED

NOV 29 1999

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

BUILDING DEPARTMENT

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

**COPY**

FOR OFFICE USE ONLY:

Building Permit #: 100-67

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises SILVIA + BRIAN LOCKE

Address 551 SHORE DRIVE Phone 496-4194

Mailing Address New Windsor NY 12553

Name of Architect Self



Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of Shore DR  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y N

3. Tax Map Description: Section 62 Block 9 Lot 18

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? N existing Accel

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

nk Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee 50

11, 29, 1999

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

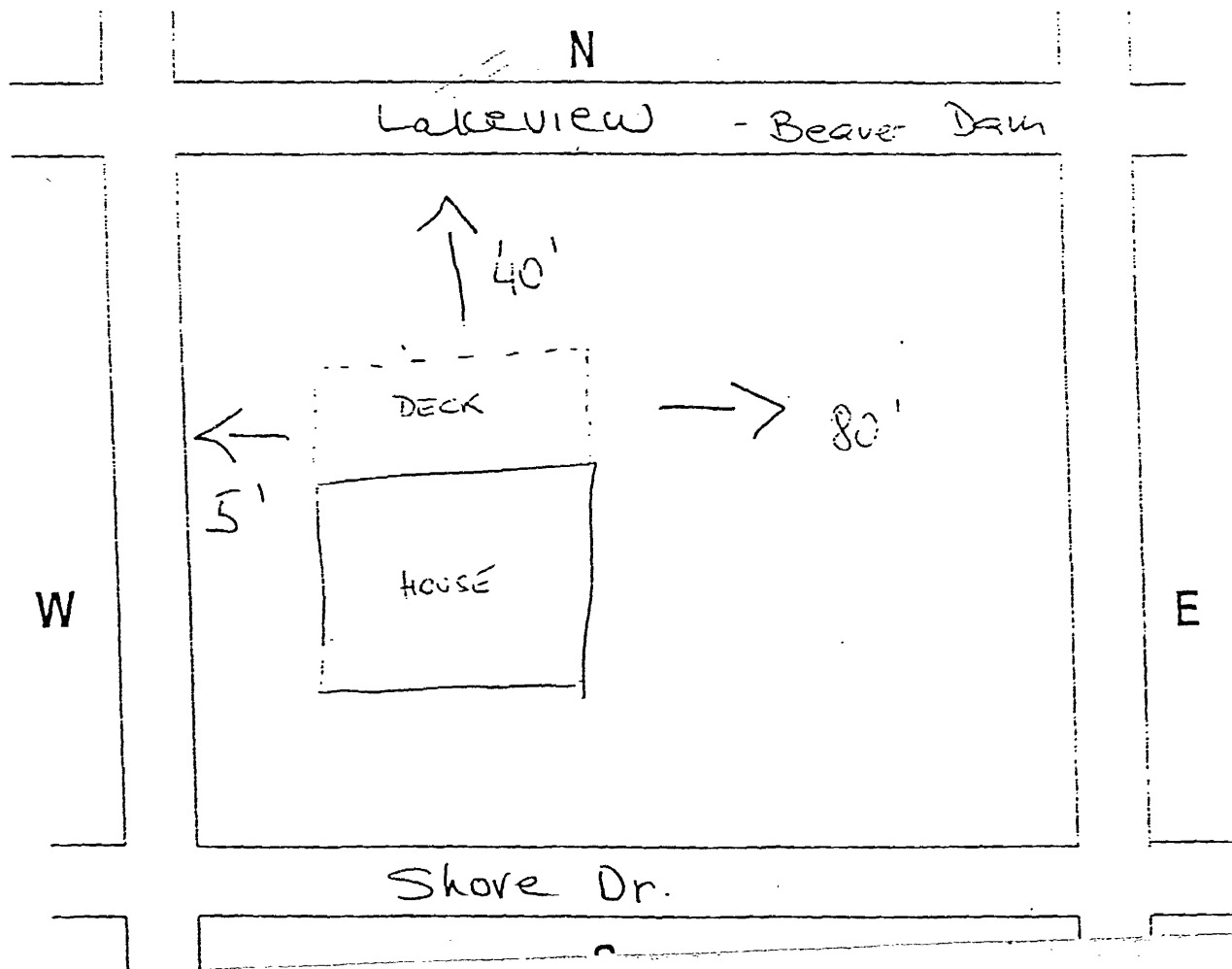
(Address of Applicant)

(Owner's Signature)

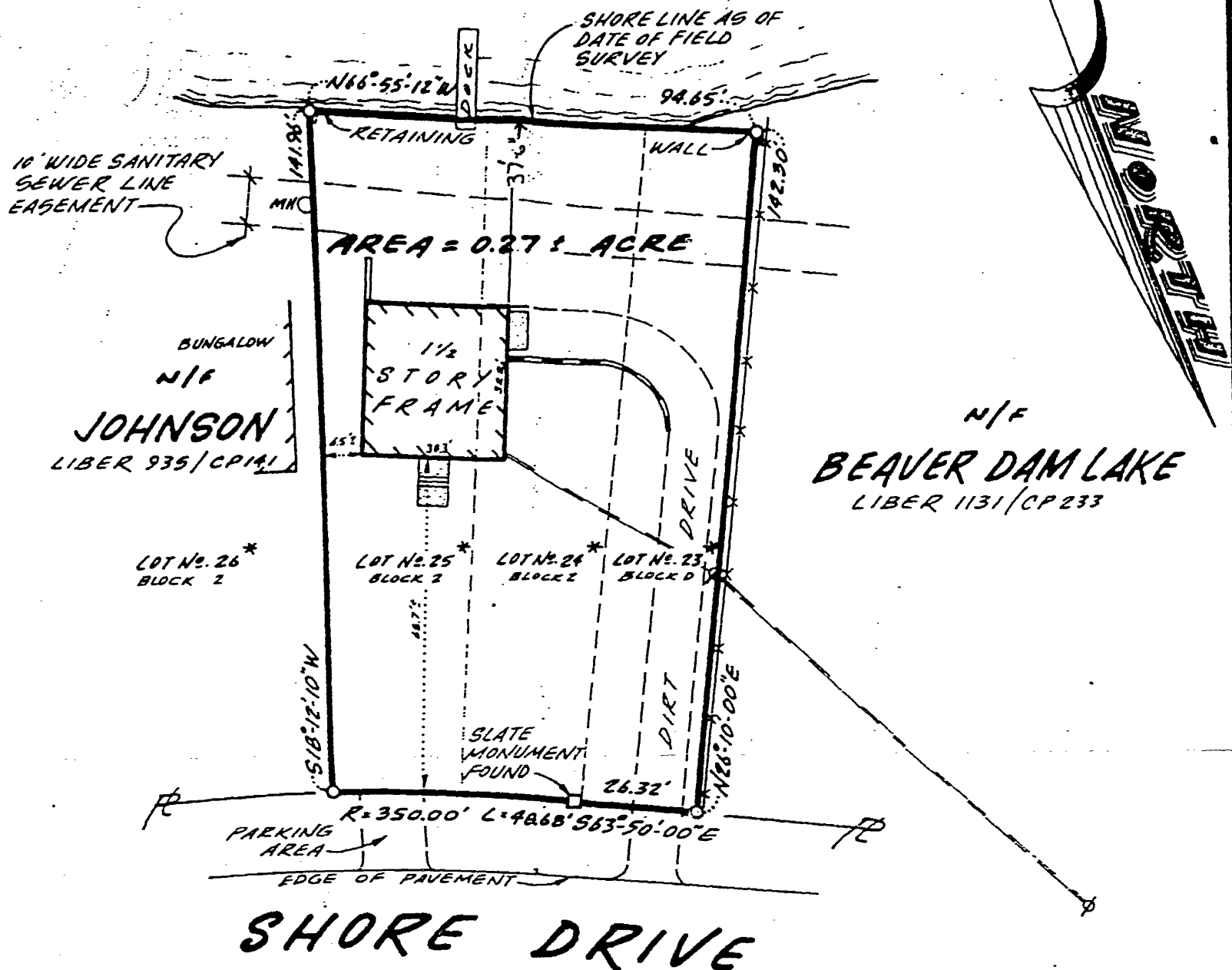
(Owner's Address)

PLOT PLAN

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



# BEAVER DAM LAKE



# LEGEND:

- MHO MANHOLE  
CONCRETE  
\*—\*—\* CHAIN LINK FENCE  
⊕ UTILITY POLE  
— OVERHEAD UTILITY LINES  
— ADJOINING PROP. LINE

## MAP OF SURVEY

OF LOTS No. 23, 24 & 25 - BLOCK 2 ON A MAP ENTITLED  
"BEAVER DAM LAKE-SECTION 1, MAP OF LANDS OF HENRY POWELL RAMSDELL"

TOWN OF NEW WINDSOR  
SCALE: 1" = 30'

ORANGE COUNTY, N.Y.  
OCTOBER 25, 1991

IT IS HEREBY CERTIFIED THAT THIS SURVEY WAS PREPARED IN ACCORDANCE  
WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE  
NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC.

### CERTIFIED TO:

SILVIA GRUBEL, ALBANY SAVINGS BANK, F.S.B., ITS SUC-  
CESSORS & (OR) ASSIGNS, AMERICAN TITLE INSURANCE  
COMPANY (ILLINOIS), PETER R. KELLY & KELLY  
JOB NO. 83-286B

PETER R. HUSTON, L.L.S.

23 HENRY STREET, ALBANY, NEW YORK 12202 • P.O. BOX 311, NEWBURGH, NEW YORK 10956



**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

Silvia & Brian Locke,  
Applicant.

# 11-53

**AFFIDAVIT OF  
SERVICE BY  
MAIL**

**STATE OF NEW YORK)**

**) SS.:**

**COUNTY OF ORANGE)**

**PATRICIA A. BARNHART, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 2/10/00, I compared the 39 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
\_\_\_ day of \_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(814) 563-4611

**RECEIPT**  
**#120-2000**

02/24/2000

Locke, Simia #99-53

Received \$ 50.00 for Zoning Board Fees, on 02/24/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen  
Town Clerk

SILVIA LOCKE  
BRIAN WILLIAM LOCKE  
551 SHORE DRIVE  
NEW WINDSOR, NY 12553

29-1/213  
9402305764

269

DATE

02/07/00

PAY TO THE  
ORDER OF

Town of New Windsor

\$ 300<sup>00</sup>

Three hundred & no/100

DOLLARS



27522 Vails Gate  
Vails Gate, New York 12584

MEMO

ZBA # 99-53

⑆02⑆3000⑆9⑆ 94023 05764⑆ 0269

SAFETY PAPER

SILVIA LOCKE  
BRIAN WILLIAM LOCKE  
551 SHORE DRIVE  
NEW WINDSOR, NY 12553

29-1/213  
9402305764

267

DATE

02/07/00

PAY TO THE  
ORDER OF

Town of New Windsor

\$ 50<sup>00</sup>

Fifty & no/100

DOLLARS



27522 Vails Gate  
Vails Gate, New York 12584

MEMO

ZBA # 99-53

⑆02⑆3000⑆9⑆ 94023 05764⑆ 0267

SAFETY PAPER



*Pls. publish immediately: Send bill to Sylvia + Brian Locke at address below.*

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 53

Request of SILVIA & BRIAN LOCKE

for a VARIANCE of the Zoning Local Law to Permit:

Existing deck in rear yard w/ insufficient rear yard;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Col. G.

for property situated as follows:

551 Shore Drive, New Windsor, N.Y.

known and designated as tax map Section 62, Blk. 9 Lot 18

PUBLIC HEARING will take place on the 28<sup>th</sup> day of February, 192000 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.  
Chairman

By: Patricia A. Barnhart, Secy.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

February 2, 2000

39

Silvia & Brian Locke  
551 Shore Drive  
New Windsor, NY 12553

Re: 62-9-18

Dear Mr. & Mrs. Locke:

According to our records, the attached list of property owners are within five hundred(500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$ 25.00

Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely,

*L. Cook (sk)*

Leslie Cook  
Sole Assessor

LC/srr  
Attachments

CC: Pat Barnhart, ZBA

Barbara, Camille, Salvatore Somma  
311 Walnut Ave.  
New Windsor, NY 12553

Rosemarie Drexler  
567 Shore Dr.  
New Windsor, NY 12553

Louise F. Aceto  
531 Shore Dr.  
New Windsor, NY 12553

Michael & Debra Rydlewski  
RD 4 Box 350-1 Shore Rd.  
New Windsor, NY 12553

Edward P. & Ann Marie E. McCartney  
2 Dover Pl.  
Hempstead, NY 11550

Lynn A. Dalcin  
529 Shore Dr.  
New Windsor, NY 12553

Carole B. McGuinness  
Shore Dr.  
New Windsor, NY 12553

Gayle A. Gavin & Suzanne N. Hajj  
35 W. 90 St., #55  
New York, NY 10024

Beaver Dam Lake Protection &  
Rehabilitation District  
C/o Dept. of Public Works  
Route 17M  
Goshen, NY 10924

Craig T. & Lisa A. Trainor  
585 Shore Dr.  
New Windsor, NY 12553

The County of Orange/ Beaver Dam Lake  
Protection & Rehabilitation District  
C/o Helen O'Leary  
132 Shore Dr.  
New Windsor, NY 12553

John & Joanne Yanchewski  
584 Shore Dr.  
New Windsor, NY 12553

James J. Dallvechia  
581 Shore Dr.  
New Windsor, NY 12553

David T. Warren  
549 Shore Dr.  
New Windsor, NY 12553

Peter A. & Emma Lynn Gasparini  
300 Walnut Ave  
New Windsor, NY 12553

Dorothy & Charles G. Collard  
579 Shore Dr.  
New Windsor, NY 12553

Lois J. Lipper  
280 Riverside Dr., #2A  
New York, NY 10025

Frank & Lorraine DiMitri  
304 Walnut Ave.  
New Windsor, NY 12553

Harold A. & Kathryn P. Spencer  
C/O Mr. & Mrs. Frank Spencer  
575 Shore Dr.  
New Windsor, NY 12553

Richard S. Farrow  
545 Shore Dr.  
New Windsor, NY 12553

Mildred M. & Anthony E. & Paul Proietto  
308 Walnut Ave.  
New Windsor, NY 12553

Eric & Michael E. Johnson  
573 Shore Dr.  
New Windsor, NY 12553

Michael J. & Virginia Fasano  
543 Shore Dr.  
New Windsor, NY 12553

Douglas Williams  
363 Oak Dr.  
New Windsor, NY 12553

Frank & Elvina Spencer  
571 Shore Dr.  
New Windsor, NY 12553

James & Frances Purpura  
C/o James Purpura  
32 North Fostertown Rd.  
Newburgh, NY 12550

Frank Lombardi  
361 Oak Dr.  
New Windsor, NY 12553

Francis & Frances Kilroy  
14 South Broadway  
Irvington, NY 10533

William & Adele Widmayer  
C/o Manfredo  
967 Park Lane, No.  
Franklin Square, NY 11010

Francis A. Cirigliano  
359 Oak Dr.  
New Windsor, NY 12553

Shellie Evans  
23 Laurel Trail  
Monroe, NY 10950

Edward W. & Margaret J. Janatsch  
353 Oak Dr.  
New Windsor, NY 12553

Mariano & Dorothy M. Schimenti  
1227 Barry Dr., So.  
Valley Stream, NY 11580

David Aceto  
C/o Cenlar  
P.O. Box 77405  
Trenton, NJ 08626

Donald D. & Deborah A. Aldridge  
558 Shore Dr.  
New Windsor, NY 12553

John T. Bays  
562 Shore Dr.  
New Windsor, NY 12553

Neldon G. & Diana Demke  
568 Shore Dr.  
New Windsor, NY 12553

James William Dainty  
348 Old Dutch Hollow Rd.  
Monroe, NY 10950

John L. Kolp & Cynthia Seibels  
582 Shore Dr.  
New Windsor, NY 12553

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 99-53

Date: 01/24/00

I. ✓ Applicant Information:

- (a) SILVIA & BRIAN LOCKE, 551 SHORE DRIVE X  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-4 551 Shore Drive 62 9 18 .27 ac  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? residential
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1991
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes\_\_\_\_ No\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓v. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>27'-6"</u>	<u>12'-6"</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Deck enhances look & value of property. It does not impose  
any environmental issues to the neighborhood. Deck does not  
interfere with neighbor's views.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A.

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation: N/A.

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

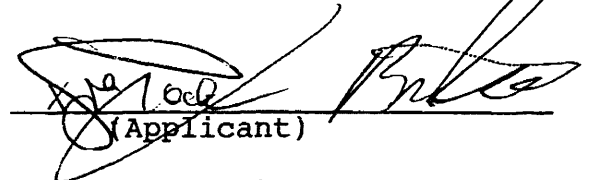
Date: 01/26/00

STATE OF NEW YORK)

) SS.:

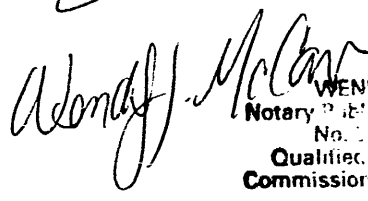
COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

  
(Applicant)

Sworn to before me this

20<sup>th</sup> day of January, 2000

  
WENDY J. McCaw  
Notary Public, State of New York  
No. 004007107  
Qualified in Orange County  
Commission Expires 5/5/01

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_.



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC  
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF  
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

P 1591-Bargain & Sale Deed with Covenant against Grantor. JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERS  
Stat. Form. Ind. or Corp. 1 Side Recording.

THIS IS A LEGAL INSTRUMENT AND SHOULD BE EXECUTED UNDER SUPERVISION OF AN ATTORNEY.

THIS INDENTURE, made the 8<sup>th</sup> day of November 1991.

BETWEEN PETER J. KELLY and KERRY A. KELLY, husband and wife, presently residing at 333 Shore Drive, New Windsor, Orange County, New York 12553

grantor

SILVIA GRUBEL, presently residing at 334 Cedar Hill Road, Wappingers Falls, New York 12590

grantee

WITNESSETH, that the grantor, in consideration of

----- ten dollars --- (\$10.00) - Dollars, paid by the grantee hereby grants and releases unto the grantee, the heirs or successor and assigns of the grantee forever,

AEL

333 SHORE DRIVE  
NEW WINDSOR, ORANGE COUNTY  
NEW YORK 12553

62 - 9 - 18

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART. HEREOF:

TOGETHER with the appurtenances and all the estate and rights of the grantor in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the grantee, the heirs or successors and assigns of the grantee forever. AND the said grantor covenants that the grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever. This deed is subject to the trust provisions of Section 13 of the Lien Law.

The words "grantor" and "grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

IN WITNESS WHEREOF, the grantor has executed this deed the day and year first above written.

In presence of:

Peter J. Kelly ..... L. S.  
PETER J. KELLY  
Kerry A. Kelly ..... L. S.  
KERRY A. KELLY

STATE OF NEW YORK, COUNTY OF

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that deponent resides \_\_\_\_\_

STATE OF NEW YORK, COUNTY OF Orange .....  
On the 8<sup>th</sup> day of November 1991, before

deponent is

of the corporation described in and which executed, the foregoing instrument; deponent knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; deponent signed deponent's name thereto by like order.

PETER E. BLOOM  
NOTARY PUBLIC, State of New York  
Residing in Orange County  
Comm. Expires March 30, 1992  
*June*

~~are personally known~~ Peter J. Kelly and  
Kerry A. Kelly

to me known to be the individual S described in, and who executed the foregoing instrument, and acknowledged that they executed the same.

*[Signature]*  
Notary Public

LIBER 3520 PAGE 163

# Deed

BARGAIN AND SALE

TO

Dated,

19

STATE OF NEW YORK

County of \_\_\_\_\_ ss.

RECORDED ON THE

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

in Liber \_\_\_\_\_ of Deeds

at Page \_\_\_\_\_ and examined

67-3196

CLERK

PLEASE RECORD AND RETURN TO:

NORTHROP, STRADAR & GLENN PC  
388 BROADWAY  
PO BOX 2395  
NEWBURGH NY 12550

Date 1/24/00, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
10/00	Zoning Board Mtg		75 00	
	Misc - 3			
	Loche - 5	22.50.		
	Minutoli - 4			
	Sloop Hill - 25			
	Malaszk - 13			
	Maurice - 6			
	<u>36</u>		252 00	
			327 00	

PRELIMINARY MEETING:

LOCKE, SYLVIA

MR. NUGENT: Request for 12 ft. 6 in. rear yard variance for existing deck at 551 Shore Road in an R-4 zone.

Mr. Brian Locke appeared before the board for this proposal.

MR. NUGENT: Go ahead, you're on, tell us why you're doing it and what you want to do and the reasons behind it.

MR. LOCKE: Well, the existing deck is there and it was built and I didn't know there needed to be the additional 12 foot 6 and rather than tear the deck down, we'd like to get a variance. I have pictures, it's a ground level deck. There's no interference with anything else.

MR. NUGENT: What you're telling us it's too close to his line?

MR. LOCKE: Yeah, the water line, it's too close, the water line is here, you can see.

MR. NUGENT: There's an easement.

MR. LOCKE: No, the easement is running here, but that's not part of it, it's where the lake front property and supposedly, it's where the water line is, that's the extent of the yard, the easement is actually running underneath there and there's a manhole on the other side of the fence, that's not the reason for the variance.

MR. NUGENT: Okay, what brings you to us for what reason?

MR. LOCKE: We want to put the house on the market, in order to sell it, obviously, we need to have permits and that's the last permits that's required, the fence permits are in place and that's the only thing that was

done to the house in the past five years.

MR. TORLEY: Mike, is that deck close enough to the ground?

MR. BABCOCK: I haven't personally seen it myself, my concern was is that it's not on the sewer easement, I'm not sure what the width of the deck is.

MR. LOCKE: It's 30 x 16.

MR. BABCOCK: It's 30 foot wide?

MR. LOCKE: It's the same width as the house.

MR. NUGENT: He said it's not on top of it, Mike, let Mike see the pictures.

MR. LOCKE: Okay. The best picture would be this one, well, actually, this one here's where the water line is, this fence here.

MR. BABCOCK: But see this right here, you have a ten foot wide manhole that goes right through here for sewer, that's this far from your house, that's the problem, the water line is here, this is the sewer line.

MR. LOCKE: Okay, I was told that it was the property line that was the issue.

MR. BABCOCK: The property line is the issue as far as the setback, do you have a copy of the survey, Mr. Chairman?

MR. NUGENT: I may. Yes, I do.

MR. TORLEY: Mike, how far off the ground does the deck have to be before it becomes a deck?

MR. BABCOCK: Eighteen inches, once it's 18 inches high, it requires railings and stairs.

MR. TORLEY: Is that 18 inches from the ground, not the rail, but the top of the deck?

MR. BABCOCK: I would say yes.

MR. LOCKE: Probably, yes.

MR. BABCOCK: Mr. Chairman, do you see the easement for the ten foot wide sanitary easement there?

MR. NUGENT: Yes, I do, but I don't know how far that's off his property line nor do I know how far it is off his house, whole thing says 37 foot six inches from the, I guess they're calling shoreline.

MR. BABCOCK: Well, I would suggest that the board if they consider going farther, that we can't give them an approval to place it over top of the sewer easement, so we'd have to verify that it's not, he's going to have to verify to us that it's not, would be one inch is 30 feet on this map, whether this has been reduced or not, I don't know but, that's probably my estimation about a half inch so 15 foot, so you're real close.

MR. NUGENT: How much does he have to have?

MR. BABCOCK: He can go right up to the easement but he can't go on it.

MS. BARNHART: Who is the previous owner of the property?

MR. LOCKE: Mr. and Mrs. Kelly.

MR. REIS: How long has the deck been there, Brian?

MR. LOCKE: Like 6 years, I put the railing on.

MR. REIS: It was there prior to your ownership?

MR. LOCKE: No, there was a patio prior to our ownership which spanned the entire area.

MR. TORLEY: So it doesn't go any further out to the patio?

MR. LOCKE: No, I don't think it is, I would, you know,



if you guys need whatever survey or whatever, I would, I can provide that, but I can almost guarantee it's definitely not on top of the easement. You know, but I can't back that up right now.

MR. TORLEY: Well, the board has to do everything by public hearing so you'll have time.

MR. NUGENT: You have to come back to a public hearing, I think you should have that information when you return simply because we need to make that decision based on that.

MR. LOCKE: Okay.

MR. NUGENT: I'll accept a motion if there's no further questions.

MR. REIS: I make a motion that we set up Sylvia and Brian Locke for their requested variance, for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Mr. Locke, the Town Clerk may have this on file in her office, the easement information, it would be Sewer District 23.

MR. LOCKE: I can submit that to the Town Clerk.

MS. BARNHART: You can call her and ask them to look it up, I think they have it on file in their office.

MR. LOCKE: How far the easement is away from the house?

MS. BARNHART: They probably have an easement map, a survey map that shows the easement area.

January 10, 2000

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MR. NUGENT: Save you from having to go get a survey.

MR. KRIEGER: When you come back and when you do the hearing, if you would address yourself to the criteria set forth on this sheet which you can take with you, those are the criteria on which the zoning board must decide according to the state.

MR. LOCKE: Okay, all right, thank you.

MS. BARNHART: Here's your paperwork that you're going to need for the variance.

MR. LOCKE: Thank you.